

REMARKS

Applicant submits this amendment in response to the Office Action mailed October 26, 2006. Claims 1-9, 11-13 and 17-19 are pending in the application. Upon entry of the present amendment claim 2 will be canceled, without prejudice, and claims 1, 3-9, 11-13 and 17-19 will be pending in the application. Claims 1 and 12 are independent claims. By amendment herein, claim 2 has been incorporated into claims 1 and 12. Reconsideration of the present application in view of the amendment and accompanying remarks is respectfully requested.

Claim Rejection under 35 USC 112, first paragraph

The Examiner has newly rejected claims 1, 3-7, 9, 11-13 and 17-19, under 35 USC 112, first paragraph, for failing to comply with the written description requirement with regard to the phrase “complex fluid” used in the claims. It is noted that the Examiner did not reject the subject matter of claims 2 and 8 in this regard. Claim 2 further defines “complex fluid” as being selected from the group consisting of blood products, pharmaceuticals, injectable solutions and vaccines. Claim 8 defines blood products even further as being selected from the group consisting of whole blood, plasma, platelets, packed red cells and combinations thereof. Also, the examples and various portions of the specification (for example, see pages 21 -23) discuss various applications of the claimed subject matter in treating complex fluids . Accordingly, the definition of “complex fluid” from claim 2 has been incorporated into independent claims 1 and 12 and those claims dependent thereon, which should obviate this rejection.

Claim Rejection under 35 USC 112, first paragraph

The Examiner has also newly rejected claims 1-9, 11-13 and 17-19 under 35 USC 112, first paragraph, for failing to be enabling. In support of this rejection the Examiner has stated that the specification only discloses an ambient temperature of operation of the light source and the use of a dielectric barrier discharge (i.e., silent discharge plasma or SDP) for generating the desired light for treatment in the method of the invention. Accordingly, claims 1 and 12, and claims dependent thereon, have been amended to indicate that the light source is maintained at ambient temperature, and is generated utilizing dielectric barrier discharge. No new matter has been added; the use of “ambient temperature” and “dielectric barrier discharge” for the light source in the method disclosed and claimed finds support in the specification at page 28, lines 13-22. It is respectfully submitted that this rejection has been obviated in view of these amendments and remarks. It is also pointed out that the author of the 2005 article referred to by the Examiner, namely J. Coogan, is named as a co-inventor of the present application and that this publication is well after the present filing date of September 12, 2003 and priority filing date of March 13, 2001, and therefore not relevant herein.

Other Rejections under 35 USC 112, second paragraph

The Examiner has also newly rejected claims 1-9, 11-13 and 17-19 under 35 USC 112, second paragraph, as being indefinite with regard to the use of the term ‘based’ in “excimer-based” and “blood-based product”. Accordingly, these terms have been changed in the claims

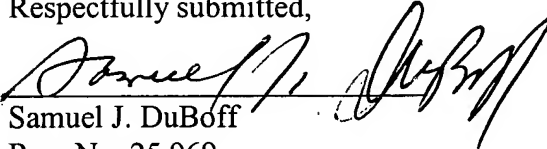
from "excimer-based" to read "excimer"; and from "blood-based product" to read "blood product".

In claims 6 and 9 the term "involves" has been changed to read "further comprises".

No new matter has been added by these changes, finding support in the specification. It is respectfully submitted that the rejections herein are also obviated by these amendments and remarks.

Applicant respectfully submits that all claims are now in condition for allowance. Prompt action leading to an early Notice of Allowance to this effect is earnestly solicited. If the Examiner believes a telephone communication might be useful in advancing the prosecution of the application, the Examiner is invited to contact the undersigned representative of the Applicant.

Date: February 1, 2007

Respectfully submitted,
By: 
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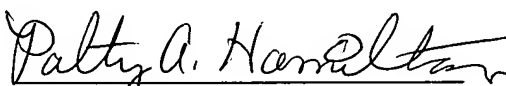
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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 1, 2007.

Dated: February 1, 2007


Patty A. Hamilton